

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14331 of Alice Stephanson, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 5102.41 to use the subject premises as a repair garage, exclusively tune-ups, in a C-2-A District at premises 2510 Pennsylvania Avenue, S.E., (Square 5553, Lot 26).

HEARING DATE: September 18, 1985

DECISION DATE: September 18, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the north side of Pennsylvania Avenue., S.E. between 27th Street and Minnesota Avenue and is known as premises 2510 Pennsylvania Avenue S.E. It is zoned C-2-A.

2. The site is rectangular in shape with a lot area of approximately 12,000 square feet.

3. The site is currently improved with a one-story cinder block and metal structure containly approximately 2,000 square feet of floor area and a smaller structure which appears to have served as a booth for vending machines. The larger structure has previously been used as a gasoline service station. The remainder of the site is paved with the exception of a 25.5 feet wide gravel strip of property located behind the service station structure which includes a brick screening wall.

4. The site is currently accessed via two existing curb cuts located on the Pennsylvania Avenue frontage of the property.

5. The site is located within a C-2-A zoned corridor on Pennsylvania Avenue, S.E., which is characterized primarily by a mixture of small retail establishments and offices including a grocery store, a beauty shop with law offices above, an office building, a church, a photographic studio, and a self-service Amoco station. In addition to the self-service gasoline station immediately adjacent to the site, there is a vacant shell station directly across the street from the subject premises and two other gasoline service stations near the intersection of Pennsylvania Avenue and I-295.

6. Immediately to the north of the subject site is an R-5-A District which is developed primarily with row dwellings and apartment buildings.

7. The subject site is separated from the residentially zoned property to the north by a twelve foot wide private alley located in the R-5-A District and an undeveloped gravelled strip of land on the subject site.

8. The applicant proposes to operate a repair garage at the subject premises. The proposed tenant is a specialty tune-up business known as Precision Tune which offers tune-up services on a while-you-wait basis at a discount price. No body or fender work will be conducted on the premises.

9. Precision Tune is a nationally franchised operation which currently has ten locations in the metropolitan area. The proposed repair garage will be the first Precision Tune franchise located in the District of Columbia.

10. The applicant proposes to retain and renovate the existing gasoline service station structure which houses three service bays and a small office. All tune-up work will be conducted inside the structure. All automobile hoists will be located within the structure. No grease pits are proposed.

11. The hours of operation of the proposed facility will be from 8:00 A.M. to 8:00 P.M. Monday through Friday, and from 8:00 A.M. to 5:00 P.M. on Saturday.

12. The majority of the customers of the proposed facility will come to the site by pre-arranged appointment and wait for the completion of their tune-up approximately forty-five to sixty minutes.

13. No vehicles will be stored on the subject site on a normal basis. In the event that a customer fails to pick up a car before closing, the car will be stored inside the garage overnight. No vehicles will be parked off-site.

14. A total of approximately fifty cars are expected to visit the site on a daily basis for service.

15. The applicant proposes to provide fourteen parking spaces on site as required by the Zoning Regulations, one of which is designated as a handicapped parking space. The applicant expects approximately five cars to visit the site per hour. There will be approximately seven employees at the subject location.

16. The applicant expects that the majority of the facility's customer will come from the Anacostia area of the

City based on marketing surveys done at two existing locations in Suitland and Capitol Heights.

17. Trash is picked up from the facility on a weekly basis. The trash generated by the type of service provided consisted of small parts such as spark plugs, points, condensers, distributor caps, etc. Weekly trash pick-up has proved adequate at other franchises in the area.

18. The property currently has two curb cuts along Pennsylvania Avenue each of which measure approximately thirty-six feet in width. Neither of the curb cuts is located within twenty-five feet of a residential district nor a street intersection. The existing curb cuts will continue to be used for ingress and egress.

19. The existing structure which is to be retained and renovated for the proposed use is separated from the adjacent R-5-A District to the north by a 25.5 foot wide strip of undeveloped property which includes a six foot high brick screening wall. Adjacent to this strip of undeveloped property is a twelve foot wide private alley which further separates the proposed use from the residential row houses to the north.

20. The applicant's traffic expert submitted a written traffic analysis and presented testimony at the public hearing that, because of the daytime operating hours, the distribution of vehicles over the course of the day, and the site's location on a principal arterial, the traffic generated by the proposed facility will not significantly contribute to peak hour congestion and will not create dangerous or objectionable traffic problems at the site or on any nearby street.

21. Advisory Neighborhood Commission 7B, by letter dated September 10, 1985, indicated its support of the subject application. The Advisory Neighborhood Commission did not specify any issues or concerns relating to the subject application as required by the Supplemental Rules of Practice Procedure before the Board of Zoning Adjustment and, therefore, cannot be afforded the great weight to which it would otherwise be entitled.

22. There was no opposition to the granting of the subject application present at the public hearing. The record contains two letters in opposition, one from Councilmember H.R. Crawford and one from a resident living approximately four blocks away. The issues raised in opposition are as follows:

- a. The proposed facility would have an adverse impact on the character and aesthetics of the surrounding community.

- b. There are a sufficient number of existing gasoline stations and repair garages in the area to serve the needs of the community.
- c. The use will cause an overflow of vehicles in various states of disrepair which will seek parking on nearby residential streets.

23. In response to the concerns raised by the opposition, the Board finds as follows:

- a. The subject site is located in a C-2-A District which permits the proposed use of the premises as a special exception provided the applicant complies with the provisions of Paragraph 5102.41 and Sub-section 8207.2 of the Zoning Regulations.
- b. The property is located in a commercially developed strip fronting on Pennsylvania Avenue and was previously operated as a gasoline service station. There is no evidence that the facility is not in keeping with the character of existing development in the immediate area.
- c. The proposed facility provides "while-you-wait" services by appointment for a limited service. Only seven employees are expected to operate the facility and only five to six vehicles are expected to be serviced per hour. Fourteen parking spaces are available on-site. It is not likely that customers would seek parking on neighborhood streets nor does the applicant propose to store any vehicles off-site.
- d. The opposition offered no probative evidence that a proliferation of gasoline service stations or repair garages are located in the immediate vicinity of the subject site. Further, the Board finds that the existence of other similar facilities in the area is not relevant to the consideration of the subject special exception. The provisions of the applicable Zoning Regulations do not require the Board to consider the number of similar facilities in the area among the criteria given.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate substantial compliance with the requirements of Paragraph 5102.41 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. No portion of the structure is located within twenty-five feet of a residential district.

No vehicle entrance or exit is located at a point closer than twenty-five feet from a residential district. No driveway, entrance or exit is located within twenty-five feet of a street intersection measured from the intersection of the curb lines extended. All hoists are located within the structure and no grease pits are provided. The operation of the use will not create dangerous or otherwise objectionable traffic conditions.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and map and, as hereinafter conditioned, will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

- A. Approval shall be for a period of of FIVE YEARS.
- B. The applicant shall provide fourteen parking spaces on site as shown on the plan marked as Exhibit No. 24 of the record.
- C. The hours of operation shall not exceed from 8:00 A.M. to 8:00 P.M., Monday through Friday, and from 8:00 A.M. to 5:00 P.M. on Saturday.
- D. The undeveloped area at the rear of the site shall be cleared of all refuse and debris and shall be maintained in a neat and orderly appearance.
- E. Trash shall be picked up on a regular basis.
- F. There shall be no body or fender work done on the subject site.
- G. There shall be no grease pits on the property.
- H. Construction shall be in accordance with the plans marked as Exhibit No. 24 of the record.
- I. Any overnight storage of cars shall be limited to the interior of the building in the three service bays.
- J. The number of employees shall not exceed ten.
- K. The applicant shall comply with the provisions of Article 74.

VOTE: 4-0 (Charles R. Norris, Maybelle T. Bennett, William F. McIntosh, and Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



CECIL B. TUCKER

Acting Executive Director

FINAL DATE OF ORDER: 07 JAN 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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